

Appl. No. 10/654,824

Reply to Office action of July 11, 2005

Remarks

The Office Action dated 07/11/2005, has been received and its contents carefully noted.

DVD

The DVD supplied with applicant's earlier response became detached from the USPTO file, such that the examiner had not viewed it prior to writing the Action of 07/11/05. Therefore, a copy of the DVD was in the meantime hand-delivered to the examiner, and he has since viewed it. The DVD shows an actual implementation of the invention conforming essentially in character to that described in the specification.

Election/Restrictions

In view of the Action's opinion of constructive election regarding claims 15 to 25, they have been reviewed, amended and, in some cases canceled. The remaining amended claims better bring out that they do, in fact, belong to the claims of Group I, Office Action dated 09/27/2004. Thus, the claims remaining from claims 15 to 25 are now all dependent directly or indirectly from claim 1. Also, certain of the claims are characterized by further definition of features already present in the claims originally making up Group I. This is true, for instance, of claims 15 and 20-25 (while claims 23 and 25 have been canceled, their feature now appears in amended claim 1). It is true also for claim 18, which represents further definition of original claim 6, and it is true for claim 19, which relates to original claim 7. Claims 16 and 17 relate to additional species, but MPEP 806.04(a) permits a reasonable number of species in the same application.

In view of the Action's opinion of constructive election, a preliminary draft of this document was faxed informally to the

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examiner, to provide the basis for an interview on the topic of whether this revision of the claims avoids further problems on the issue of constructive election. The examiner subsequently responded and left a recorded telephone message to the effect that the revisions of this document now provide a set of claims that can be examined together, except for claim 6 as it existed in the preliminary draft. That revision of claim 6 used claim 6 as listed in the AMENDMENT filed 4/26/05 and placed it in independent form. The examiner stated that that would cause claim 6 to define a distinct invention, as compared to the remaining claims, and he suggested that claim 6 be returned to dependent form, so that it could be examined together with the remaining claims. The examiner's suggestion has been followed. Applicant reserves the right to file a separate application for said independent claim 6.

Claim Rejections

Relative to the rejections, reconsideration is requested as follows:

Claim Rejections - 35 USC § 102

Claim 1 and claims dependent therefrom, including claim 4, distinguish over Mizuno, in that Mizuno discloses a delineator, in the nature of the white lines drawn on the sides of highways, whereas claim 1 requires an electronic display capable of showing computer controllable messages including the written equivalents of a word or words of a spoken language.

Claim Rejections - 35 USC § 103

Concerning Jones in view of Attwood, all claims now contain the feature of canceled claim 5, a feature not shown in Jones or Attwood. Additionally, the computer control in Jones is at a level similar to that of Mizuno, i.e. lights are made to flash

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selectively. Computer control in Jones et al. does not rise to the level of the amended claims, which provide for the display, inset in a concave section, of computer controllable messages that include the written equivalents of a word or words of a spoken language.

Concerning Gehrig in view of Jones, while Jones might suggest that Gehrig's reflectors be made to flash, there is no suggestion in this combination of references to lead those of ordinary skill to the content of the amended claims, which provide for the display, inset in a concave section, of computer controllable messages that include the written equivalents of a word or words of a spoken language.

Relative to the use of Jones concerning claims 9 and/or 11 in either of the § 103 rejections, it goes beyond the level of skill shown in Jones to consider use of the special features of claims 9 and 11, given that the computerized task in Jones is to flash lights or turn on a siren.

Claim 6 adds the feature of adjustability of the display relative to the rail. Claim 7 depends from claim 6. Claim 6 is rejected in the Action on the basis of the Gehrig in view of Jones rejection. While there is mention in Gehrig of an angle less than 90-degrees, there is no indication of any provision for adjustability, such as is provided by the slotted brackets 24A,B in the present disclosure. Rather, the message from Gehrig seems to be that its reflectors 10 are installed permanently in some orientation which may be less than 90-degrees. Jones does not contain any teaching that would lead to a pertinent modification of Gehrig for one of ordinary skill in the art.

Claims 15-22

These amended claims are patentable over the references.

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Claim 15 further defines the environment of the electronic display of claim 1; as regards the references, claim 15 avoids such for the same reasons given for claim 1. None of the references show the mounting brackets of claims 16 and 17, nor the means for angular adjustment (slots 28 in brackets 24A, B, bolts 26A, B, and equivalents) of claim 18, the face inclination of claim 19, the light emitting diodes of claim 20, the scrolling capability of claim 21, nor the computer command of the message of claim 1, as specified in claim 22.

Conclusion

For the above reasons, reconsideration and allowance of claims 1, 4, 6, 7, 9, 11, 13, and 15-22 are requested.
Respectfully submitted,



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